

NOTICES OF PUBLIC INFORMATION

Notices of Public Information contain corrections that agencies wish to make to their notices of rulemaking; miscellaneous rule-making information that does not fit into any other category of notice; and other types of information required by statute to be published in the *Register*. Because of the variety of material that is contained in a Notice of Public Information, the Office of the Secretary of State has not established a specific format for these notices.

NOTICE OF PUBLIC INFORMATION DEPARTMENT OF ENVIRONMENTAL QUALITY

1. **Name of the agency:** Department of Environmental Quality
2. **Title and its heading:** 18, Environmental Quality
Chapter and its heading: 9, Department of Environmental – Water Pollution Control
Article and its heading: 9, Arizona Pollutant Discharge Elimination System
Section number: R18-9-A908

3. **Notice of final determination:**

On March 17, 2004, the Arizona Department of Environmental Quality (ADEQ) issued an Arizona Pollutant Discharge Elimination System (AZPDES) general permit authorizing De Minimus discharges. De Minimus discharges are certain low volume and/or infrequent discharges of relatively pollutant free water that are discharged with appropriate best management practices to reduce pollutants. De Minimus discharges include discharges from: potable water system installation and maintenance activities, subterranean dewatering, well development and maintenance, aquifer testing, hydrostatic testing, reclaimed water system repair, residential non-contact cooling, charitable car washes, building and street washing, and draining of swimming pools.

ADEQ published the permit action in the *Arizona Administrative Register* on November 7, 2003. Twelve parties including cities, water supply companies, industries, and an association of governments submitted comments on the draft De Minimus general permit. ADEQ changed the final permit in response to these comments. Significant charges from the draft permit are given below. For a complete list of comments and ADEQ's responses, and a copy of the final fact sheet and final permit, please review the ADEQ's web site at: <http://www.adeq.state.az.us/environ/water/permits/gen.html#demi>. The De Minimus general permit file may be viewed at ADEQ's Phoenix office by contacting the Records Management Center at (602) 771-4378.

Comment concerning lack of eligibility for hydrostatic tests from pipelines or tanks previously used to transport oil or gas.

The draft permit did not include discharges from hydrostatic tests of used oil or gas lines, because it was felt that these discharges would be inconsistent with the general Aquifer Protection Permit under A.A.C. R18-9-B301(C), which requires use of a liner for discharges from used oil or gas pipelines. In response to the comment, ADEQ added provisions for these discharges provided they are discharged to a lined impoundment according to A.A.C. R18-9-B301(C) and tested to determine that both aquifer and surface water quality standards are obtained, and approval for discharge from the impoundment is obtained under A.A.C. R18-9-B301(C).

Comment on exclusion of the other discharges from perennial, unique and impaired receiving waters.

The draft permit did not include other discharges (residential non-contact cooling water, charitable car wash discharges, building and street wash water, and dechlorinated swimming pool water) when discharged to perennial, unique, or impaired waters. The commenter questions why they were included for effluent dependent waters, but not the other waters when many of the standards were the same. In response ADEQ revised the permit to allow only these other discharges to ephemeral or canals without drinking water source uses.

Comment related to ADEQ ability to regulate nuisances under an AZPDES permit.

The draft permit contained a prohibition on discharges that create "odors, vectors, and other nuisances." Several commenters questioned ADEQ's authority to regulate nuisances under an AZPDES permit. ADEQ responded by removing the prohibition from the final permit. However, language was added to Part V.A.2 to clarify that the permit does not authorize a permittee to create a nuisance condition.

Comment relating to the prohibition of bioaccumulative pollutants.

The draft permit contained a prohibition on discharges of specific pollutants at levels that may bioaccumulate. A commenter stated that the permit should be no more restrictive than the water quality standards. Although water quality standards address bioaccumulation, the prohibition has been removed from the final permit under consideration of the nature and frequencies of De Minimus discharges.

Comment relating to the dates required for submittal of monitoring data.

Changes were made to the final permit to clarify that only monitoring done prior to January 1, 2008 needs to be submitted. The date for data submittal was changed to February 28, 2008.

Comment relating to photo documentation of unscheduled releases.

The permit was changed to allow for only post discharge photo documentation when a discharge is unscheduled, such as pressure releases.

Comments related to detection levels.

Several comments were received relating to detection levels specified in the draft permit for chlorine and total nitrogen. The levels were revised in the final permit.

Other changes to the final permit based on further ADEQ review.

ADEQ made two changes to the final permit because of an inconsistency with the Aquifer Protection Permit program (APP) was identified. All AZPDES discharges require an Aquifer Protection Permit (A.R.S.49-241.9). Therefore, all dischargers that obtain coverage under the De Minimus permit must assure that they are eligible for coverage under an APP general permit or otherwise meet the APP requirements.

The draft permit allowed the use of Class A or B reclaimed water for hydrostatic tests. This was changed to Class A+ and B+. Class A and B is not denitrified and therefore, would not meet the requirements for the general Aquifer Protection Permit under A.A.C. R18-9-B301(B).

The draft permit included mobile car wash discharges. This requirement was removed because the discharges were not consistent with APP requirements.

Clarification was added to Part IV.C as to what actions would be required if an action level is exceeded.

Parts IV.D.4 and 5 were added to specify that the Best Management Plan must be updated if ADEQ notifies the permittee of deficiencies.

A definition of municipal separate storm sewer was added.

4. The name, address, and telephone number of agency personnel to whom questions and comments on the general permit may be addressed:

A complete itemization of the comments and ADEQ's responses, a copy of the final fact sheet, and the final permit is available on the ADEQ web site at: <http://www.adeq.state.az.us/environ/water/permits/gen.html#demi>.